Jeopardy Assessment

for the Proposed Incidental Taking Permit

of the

Slender Glass Lizard

in Waushara County, Wisconsin

by

American Transmission Company

11/5/2009

Background

American Transmission Company (ATC) will replace damaged utility poles, string new shield wire, and complete other maintenance activities along the transmission known as Y-90 or Chaffee Creek to Plainfield located in the Towns of Coloma, Hancock and Plainfield in Waushara County. This action may result in the incidental taking of the slender glass lizard (SGL) (*Ophisaurus attenuatus).* It is also likely that impacts to SGL habitat will occur within the workspace and access routes.

The SGL prefers sandy oak savannas, sand prairies, old fields with sandy soils, and woodland edges around and within all of these habitats. Sandy soils are critical but a moderate to dense vegetative layer is very important, as opposed to sparsely vegetated sandy soils associated with the most xeric conditions (WDNR Protocol for Incidental Take Authorization- Western Slender Glass Lizard, February 2000). During the summer months the SGL may move between cooler areas with sparse tree cover during the day to warmer areas at night. Habitat suitability is reduced by compaction, soil disturbance, dense vegetation cover and invasive species with dense root structures such as spotted knapweed. The range is approximately 0.2 – 5.0 acres. Glass lizards overwinter in burrows they create by forcing their bodies through lose sandy soils. Seasonal activity occurs from mid-late April to early-mid September depending on temperature. We are unaware of information in the literature on this species' overwintering behavior. However, like other reptiles that inhabit similar habitats, it is assumed that they may overwinter at depths of one meter, possibly greater, to reach below the frost line (personal communication, Bob Hay).

The existing transmission right-of-way is an approximately 80-foot wide corridor that is subject to cyclical vegetation maintenance that keeps it free of tall growing trees and shrubs. A habitat assessment for the SGL was completed in August 2009 by a herpetologist on behalf of ATC along portions of the transmission line that presented potentially suitable SGL habitat based on aerial photo review. Of those portions included in the habitat survey two segments were identified as having high quality habitat based on the optimal habitat resources described above. The first segment is located from structures 118791 to 118797 along an approximately 4450-foot long corridor. The second segment is located from structures 118803 to 118814 along an approximately 3250-foot long corridor. Other portions of the survey area possessed compacted soils or relatively dense vegetation and was deemed low suitability for the lizard.

Incidental take of slender glass lizards may occur during installation of approximately 34 poles within and surrounding the delineated high-quality habitat areas. Incidental take is unlikely to occur during removal of existing damaged poles. Each installation of a new pole requires an approximate workspace of 40 foot by 40 foot for equipment and materials, placement of spoils and excavation for the pole. All of the poles will be directly imbedded in the soil with the exception of one that will require a concrete foundation. Access to each pole location will occur primarily along the ROW. Vehicular traffic can cause compaction of soil. Some of the delineated habitat may at least be temporarily impacted by clearing activities, soil excavation and compaction, and secondarily by potential encroachment of invasive species, especially spotted knapweed (*Centuarea biebersteinii),* into areas of disturbed soils.

Incidental Take Permit

The presence of SGL has not been confirmed in the project area. However, based on the identification of suitable high-quality habitat in the project area, the proposed project activities may result in the take of the SGL. An Incidental Take Permit will be required before any ground-disturbing activities can be initiated within potentially suitable habitat.

ATC has committed in writing to implementing the mitigation measures required under this authorization in those areas of suitable SGL habitat. Construction-related, ground-disturbing activities cannot be initiated in any areas considered suitable for the SGL until the Authorization process is completed. Some mitigation measures can only be implemented after construction is initiated. Compliance with these measures will be monitored and enforced by the Department in conjunction with ATC's Environmental Monitors.

Incidental Take Minimization and Mitigation Measures

1. Minimization of temporary work space

Take of the SGL should be minimized and the burden of mitigation significantly reduced by narrowing the width of the temporary work space corridor to the smallest area that is technically feasible for installation of the new poles and removal of existing poles.

2. Vegetation management

Tree and brush cutting, mowing, skidding, stump grinding and associated work for this maintenance project shall be conducted during the lizard's inactive period (October through March).

3. Restoration of top-soil and revegetation of the workspace

Top-soil within the right-of-way is shallow and readily disturbed; however, preserving the existing soil structure is important for improving SGL habitat. Erosion of soil from the workspace should be strictly prevented and controlled using best management practices. ATC shall be responsible for tilling and raking surface soils just prior to reseeding in disturbed areas in the workspace in order to reduce soil compaction. The workspace must be permanently revegetated following disturbance with a seed mix that best matches the existing native plant community. A temporary cover crop (annual wild rye) must also be planted to help reestablish vegetation in order to reduce potential impacts of invasive species. Because this is winter construction, appropriate BMP's should be used to ensure that temporary seed is protected. ATC shall ensure that all erosion control and stabilization materials are weed free. Erosion mats that will remain in place after March 15th must contain netting made of biodegradable thread with the "leno" or "gauze" weave (contains strands that are able to move independently) to avoid entrapment of lizards. Plastic netting without independent movement of strands can easily entrap lizards moving through the area.

4. Invasive plant management

ATC shall use BMP's in accordance with NR40 to reduce and mitigate the spread of invasive species during construction.

5. Additional conservation measures

Conservation measures may be adapted to site conditions only in consultation with the Department and with prior approval by the Department.